

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

CHIRAG SHAH,

Plaintiff,

v.

SOUTHWEST AIRLINES, *et al.*,

Defendant.

Civil Action No: 1:13CV1481 AJT/JFA

STATEMENT OF STIPULATED MATERIAL FACTS

Pursuant to the Court's Order dated January 17, 2014, Chirag Shah and Southwest Airlines Co. hereby stipulate to the following facts:

1. On April 15, 2013, at approximately 2:49 pm, two bombs exploded near the finish line of the Boston Marathon. Shortly thereafter, major networks (including CNN) began airing newscasts from the site of the bombings.
2. Later that afternoon, Chirag Shah arrived at Washington Dulles International Airport to fly Southwest Flight 392 to Denver, Colorado.
3. Southwest Flight 392 was flown using a Boeing 737-700.
4. The crew of Southwest Flight 392 on April 15, 2013, was George "Curt" Cannon, Captain; Rod Ennis, First Officer; Shannon Ramos, "A" Flight Attendant; Ava Alley, "B" Flight Attendant; and Regina Paschall, "C" Flight Attendant.
5. Plaintiff went through the normal Transportation Security Administration-operated security checkpoint with his carry-on luggage and boarded the airplane without any problems.
6. Southwest has an open seating policy. With certain exceptions, ticketed passengers receive an assigned boarding priority (A1-60, B1-60, or C1-60) based on when they check in for the flight, which can be done on-line starting 24 hours before scheduled departure time. Once they board, they may sit in any open seat.

7. Plaintiff was in the “B” boarding group. As he boarded the plane, he saw that seat 1F—the window seat of the first row on the right side of the plane—was open and he sat there.
8. Mr. Shah had with him a sandwich, a bottle of cream soda, carry-on luggage, and an overcoat when he boarded the plane.
9. After announcements were made over the airplane’s public address system, including an instruction for the passengers to fasten their seatbelts, the airplane pushed back from the gate and began to taxi.
10. The plane subsequently returned to the gate and Mr. Shah was removed from the flight.
11. The parties disagree about the reasons for Mr. Shah’s removal.

CHIRAG SHAH
By Counsel

_____/s/_____
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